

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

RICHARD PIOTROWSKI,	:	C.A. No. 06-631-SLR
	:	
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY OF TWELVE DEMANDED
	:	
MAO M. IAN and SUI MAI,	:	
	:	
Defendants/Third-Party Plaintiffs,	:	
	:	
v.	:	
	:	
HANOVER INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY,	:	
	:	
Third-Party Defendant.	:	

**DEFENDANTS/THIRD PARTY PLAINTIFFS' MOTIONS TO DISMISS AND TO
AMEND THE THIRD-PARTY COMPLAINT**

COMES NOW, Defendants/Third-Party Plaintiffs, by and through counsel, Chrissinger and Baumberger, and hereby motions to amend the Defendants' pleading by allowing the joinder of a third-party defendant to this action . In support of the preceding, Defendant asserts the following:

1. The motor vehicle accident under consideration occurred on or about November 4, 2004, allegedly resulting in injuries to the Plaintiff. Plaintiff filed a complaint on or about October 10, 2006, alleging that Defendant's supposed negligence led to the Plaintiff's injuries.
2. However, the Defendant's actions regarding the incident in question were a direct result of a third party's negligent actions. (See Defendant's Third-Party Complaint, attached hereto as Exhibit "A").
3. Because the accident was caused by an unknown driver who forced Defendants into Plaintiff's vehicle, Plaintiff's insurance company stands in the shoes of the unknown driver.

(See Exhibit "A"). Defendant/Third-Party Plaintiff's Third-Party Complaint against Allstate is attached as Exhibit "B".

4. Because the police report incorrectly identified Hanover Insurance Company as Plaintiff's insurance provider, Defendants mistakenly filed the Third-Party Complaint against Hanover. (See police report attached hereto as Exhibit "C").

5. On December 27, 2006, Third-Party Defendant notified Defendant/Third-Party Plaintiff of the mistake in the police report, noting that Allstate Insurance Company was Plaintiff's insurance provider. (See Dec. 27, 2006 Letter attached hereto as Exhibit "D").

6. Defendant requests the Court allow the addition of Allstate Insurance Company as a third-party defendant, pursuant to Del. Super. Civ. R. 14(a). Allstate may be liable as the sole tort-feasor or contributor for all or part of the Plaintiff's claim against the Defendant. *McMichael v. Delaware Coach Company*, 107 A.2d 895 (Del. 1954). See also *Ingerman v. Bonder*, 77 A.2d 591 (Del. 1950).

7. The permissive joinder of Allstate Insurance Company to this claim would provide judicial economy, avoiding the multiplicity of suits. *Novak v. Tigani*, 110 A.2d 298 (Del. 1954).

8. Superior Court Civil Rule 15(a) states that a party may amend a pleading, after a responsive pleading has been filed, by leave of the Court. Said leave shall be freely given when justice so requires. *Del. Super. Civ. R. 15(a)*. This amendment to the Defendant's pleadings is legally viable under Del. Super. Civ. R. 15(c), and arises out of the same transaction as the original pleading. *Dickens v. Costello*, WL 1463106 (Del. Super. 2002). See also *Mullen v. Alarmguard of Delmarva*, 625 A.2d 258 (Del. 1993). Amendments to pleadings pursuant to Del. Super. Civ. R. 15 are to be freely allowed in the absence of prejudice to the opposing party, as is the case in this matter. *Chrysler Corp v. New Castle County*, 464 A.2d 75 (Del. Super. Ct. 1983). Even if some prejudice to the adverse party is found, that prejudice must be weighed against the

hardship to the moving party if he is denied leave to amend. *Paul v. Chromalytics Corp.*, 343 A.2d 622 (Del. Super. 1975).

WHEREFORE, Defendants Mao M. Ian and Sui Mai respectfully request that this Court enter an Order granting Defendants' Motions to Dismiss Hanover Insurance Company and Amend the Third-Party Complaint.

CHRISSINGER & BAUMBERGER

/s/David L. Baumberger

DAVID L. BAUMBERGER

Bar I.D. #2420

Three Mill Road, Suite 301

Wilmington, DE 19806

(302) 777-0100

Attorney for Defendant/Third-Party Plaintiffs

Dated: April 24, 2007

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

RICHARD PIOTROWSKI,	:	C.A. No. 06-631-SLR
	:	
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY OF TWELVE
	:	DEMANDED
MAO M. IAN and SUI MAI,	:	
	:	
Defendants/Third-Party Plaintiffs,	:	
	:	
v.	:	
	:	
HANOVER INSURANCE COMPANY,	:	
ALLSTATE INSURANCE COMPANY,	:	
	:	
Third-Party Defendant.	:	

ORDER

IT IS HEREBY ORDERED, this _____ day of _____, 2007, that Defendants/Third-Party Plaintiffs' Motions to Dismiss Hanover Insurance Company and to amend the Third-Party Complaint by adding Allstate Insurance Company as a Third-Party Defendant are hereby GRANTED.

J.

CERTIFICATE OF MAILING

I, DAVID L. BAUMBERGER, hereby certify that on this 24th day of April, 2007 I have had electronically e-filed on LexisNexis Defendants/Third-Party Plaintiffs' Motions to Dismiss Hanover Insurance Company and to Amend the Third-Party Complaint to be served on the following:

James P. Hall
Phillips, Goldman & Spence
1200 North Broom Street
Wilmington, DE 19806

BY U.S. MAIL

Hanover Insurance Company
Legal Department
440 Lincoln Street
Worcester, MA 01653

Allstate Insurance Company
5325 Nottingham Drive, Suite E
Baltimore, MD 21236

CHRISSINGER & BAUMBERGER

/s/ David L. Baumberger
DAVID L. BAUMBERGER
Bar I.D. #2420
Three Mill Road, Suite 301
Wilmington, DE 19806
(302) 777-0100
Attorney for Defendant/Third-Party Plaintiffs

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

RICHARD PIOTROWSKI,	:	C.A. No. 06-631
	:	
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY OF TWELVE
	:	DEMANDED
MAO M. IAN and SUI MAI,	:	
	:	
Defendants/Third-Party Plaintiffs, :	:	
	:	
v.	:	
HANOVER INSURANCE COMPANY,	:	
	:	
Third-Party Defendant.	:	

DEFENDANTS/THIRD PARTY PLAINTIFFS' ANSWER
TO COMPLAINT WITH THIRD-PARTY COMPLAINT

1. Admitted.
2. Answering Defendants are without sufficient knowledge to affirm or deny the averments of this paragraph.
3. Admitted.
4. It is admitted only that a collision occurred between the vehicles.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.

11. Denied.

COUNT I
RICHARD PIOTROWSKI v. MAO M. IAN

12. Answering defendants incorporate herein by reference their responses to paragraphs 1 through 11.

13. Denied.

14. Denied.

COUNT II
RICHARD PIOTROWSKI V. SUI MAI

15. Answering defendants incorporate herein by reference their responses to paragraphs 1 through 14.

16. Denied.

17. Denied.

WHEREFORE, Answering Defendants demand judgment in their favor and dismissal of plaintiff's complaint with costs of this action assessed against the plaintiff.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

18. Service of process if incomplete and improper.

SECOND AFFIRMATIVE DEFENSE

19. The claims asserted by plaintiff were proximately caused by an intervening and/or superseding cause.

THIRD AFFIRMATIVE DEFENSE

20. The accident was unavoidable.

FOURTH AFFIRMATIVE DEFENSE

21. The accident was caused by a sudden emergency not of the answering defendants' making.

FIFTH AFFIRMATIVE DEFENSE

22. The complaint fails to join an indispensable party.

SIXTH AFFIRMATIVE DEFENSE

23. The injuries alleged preexisted the incident alleged in plaintiff's complaint or are otherwise not related to the alleged incident.

SEVENTH AFFIRMATIVE DEFENSE

24. Answering defendants deny any liability whatsoever. If found liable, however, the answering defendants contend that the accident and any resulting injuries were proximately caused by the negligence of the plaintiff in that he:

- a. failed to maintain a proper lookout;
- b. failed to maintain proper control of his vehicle;
- c. was otherwise negligent.

To the extent that the negligence of the plaintiff is greater than the negligence of the answering defendants, recovery is barred. Otherwise, any award in favor of the plaintiff must be reduced by his pro rata share of liability.

WHEREFORE, Answering Defendants demand judgment in their favor and dismissal of plaintiff's complaint with costs of this action assessed against the plaintiff.

THIRD-PARTY COMPLAINT

Defendant/Third Party Plaintiffs Ian M. Mao and Sui Mai, aver as follows:

1. Defendant Third Party Plaintiffs have been sued by Plaintiff Richard Piotrowski. A copy of the Original Complaint is attached hereto as Exhibit A.

2. Service can be made on Hanover Insurance Company through the Delaware Insurance Commissioner to 440 Lincoln Street, Worcester, MA 01653

3. Hanover Insurance Company contracted with Plaintiff Richard Piotrowski to provide automobile insurance to Plaintiff for motor vehicle coverage including, pursuant to the Pennsylvania Statutory Law, uninsured motorist coverage.

4. Defendant/Third Party Plaintiff, has denied liability to the Plaintiff for the matters alleged in the Plaintiff's Complaint, attached hereto as Exhibit A. However, Third Party Plaintiffs assert that if held responsible to the Plaintiff for any and sums whatsoever arising from the accident alleged in Exhibit A, then Third Party Plaintiff is entitled to indemnification and/or contribution from the Third Party Defendant.

5. Third Party Plaintiffs assert that they are entitled to indemnification and /or contribution from Hanover Insurance Company, as Hanover stands in the shoes of a phantom vehicle and its operator that was the proximate cause of the alleged accident and injuries in the Original Complaint.

6. Third Party Defendant, by and through Hanover Insurance Company, is entitled to indemnity and contribution for the negligence of the unknown phantom vehicle that pulled into the path of the Defendant/Third Party Plaintiff on US. Route 13 on or about November 4, 2004. The unknown phantom vehicle's operator was negligent in that he/she failed to keep control of the vehicle, failed to yield to oncoming traffic with the right of way, failed to remain stopped while entering a highway until it was safe to do so, and otherwise was careless and negligent in a manner proximately causing the accident alleged in the Original Complaint of the Plaintiff.

7. As a result of the negligence of the phantom vehicle's operator, Defendant/Third Party Plaintiff swerved to avoid the vehicle, and as a result contacted the vehicle of the Plaintiff. As a

result, Third Party Plaintiff has been caused to appear and answer for the allegations contained in the Original Complaint.

WHEREFORE, to the extent the Defendants/Third Party Plaintiffs are found liable for any amount of damages to the Plaintiff, then Third Party Plaintiff is entitled to indemnity and/or contribution for any and all such amounts, plus costs and expenses associated and incurred as a result of defending this claim.

CHRISSINGER & BAUMBERGER

/s/David L. Baumberger
DAVID L. BAUMBERGER
Attorney I.D. No. 2420
Three Mill Road, Suite 301
Wilmington, DE 19806
(302) 777-0100

Attorney for Defendants/Third-Party Plaintiffs

DATED: December 11, 2006

CERTIFICATE OF SERVICE

I, DAVID L. BAUMBERGER, ESQUIRE, hereby certify that on this 5th day of December, 2006, I have had served electronically a true and correct copy of the attached ***DEFENDANTS/THIRD PARTY PLAINTIFFS' ANSWER TO COMPLAINT AND THIRD-PARTY COMPLAINT*** to the following:

Nicholas J. Renzi, Esquire
Stampone D'Angelo Renzi DiPiero
500 Cottman Avenue
Cheltenham, PA 19012

CHRISSINGER & BAUMBERGER

/s/David L. Baumberger
DAVID L. BAUMBERGER
Attorney I.D. No. 2420
Three Mill Road, Suite 301
Wilmington, DE 19806
(302)777-0100
Attorney for Defendants/Third-Party Plaintiffs

Answers to Complaints1:06-cv-00631-SLR Piotrowski v. Ian et al**U.S. District Court****District of Delaware****Notice of Electronic Filing**

The following transaction was entered by Baumberger, David on 12/11/2006 at 2:51 PM EST and filed on 12/11/2006

Case Name: Piotrowski v. Ian et al

Case Number: 1:06-cv-631

Filer: Mao M. Ian

Sui Mai

Document Number: 7

Docket Text:

ANSWER to Complaint with Twelve, THIRD PARTY COMPLAINT against Hanover Insurance Company by Mao M. Ian, Sui Mai.(Baumberger, David)

1:06-cv-631 Notice has been electronically mailed to:

James P. Hall tlb@pgslaw.com

1:06-cv-631 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1079733196 [Date=12/11/2006] [FileNumber=314154-0
] [07571802560efb2572c3a67954e9f324bc75711b0147d8b667091d57c49699991ce
41586f9b43141a6f11901d68e079d0a9fb58fbcbe0ddb882b46473474e09a]]

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

RICHARD PIOTROWSKI,	:	C.A. No. 06-631-SLR
	:	
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY OF TWELVE
	:	DEMANDED
MAO M. IAN and SUI MAI,	:	
	:	
Defendants/Third-Party	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
ALLSTATE INSURANCE COMPANY,	:	
	:	
Third-Party Defendant.	:	

DEFENDANTS/ THIRD PARTY PLAINTIFFS' COMPLAINT

Defendant/Third Party Plaintiffs Ian M. Mao and Sui Mai, aver as follows:

1. Defendant Third Party Plaintiffs have been sued by Plaintiff Richard Piotrowski. A copy of the Original Complaint is attached hereto as Exhibit A.
2. Service can be made on Allstate Insurance Company at 5325 Nottingham Drive, Suite E, Baltimore, MD 21236.
3. Allstate Insurance Company contracted with Plaintiff Richard Piotrowski to provide automobile insurance to Plaintiff for motor vehicle coverage including, pursuant to the Pennsylvania Statutory Law, uninsured motorist coverage.
4. Defendant/Third Party Plaintiff, has denied liability to the Plaintiff for the matters alleged in the Plaintiff's Complaint, attached hereto as Exhibit A. However, Third Party Plaintiffs assert that if held responsible to the Plaintiff for any and sums whatsoever arising from the accident alleged in Exhibit A, then Third Party Plaintiff is entitled to indemnification and/or contribution from the Third Party Defendant.

5. Third Party Plaintiffs assert that they are entitled to indemnification and /or contribution from Allstate Insurance Company, as Allstate stands in the shoes of a phantom vehicle and its operator that was the proximate cause of the alleged accident and injuries in the Original Complaint.

6. Third Party Defendant, by and through Allstate Insurance Company, is entitled to indemnity and contribution for the negligence of the unknown phantom vehicle that pulled into the path of the Defendant/Third Party Plaintiff on US. Route 13 on or about November 4, 2004. The unknown phantom vehicle's operator was negligent in that he/she failed to keep control of the vehicle, failed to yield to oncoming traffic with the right of way, failed to remain stopped while entering a highway until it was safe to do so, and otherwise was careless and negligent in a manner proximately causing the accident alleged in the Original Complaint of the Plaintiff.

7. As a result of the negligence of the phantom vehicle's operator, Defendant/Third Party Plaintiff swerved to avoid the vehicle, and as a result contacted the vehicle of the Plaintiff. As a result, Third Party Plaintiff has been caused to appear and answer for the allegations contained in the Original Complaint.

WHEREFORE, to the extent the Defendants/Third Party Plaintiffs are found liable for any amount of damages to the Plaintiff, then Third Party Plaintiff is entitled to indemnity and/or contribution for any and all such amounts, plus costs and expenses associated and incurred as a result of defending this claim.

CHRISSINGER & BAUMBERGER

/s/ David L. Baumberger

DAVID L. BAUMBERGER
Attorney I.D. No. 2420
Three Mill Road, Suite 301
Wilmington, DE 19806
(302) 777-0100

Attorney for Defendants/Third-Party Plaintiffs

DATED: April 24, 2007

EXHIBIT C

REPORTABLE PROPERTY NON-REPORTABLE
 . DAMAGE LATE RT
 PERSONAL INJURY HAZ/MAT.
 FATALITY COMM. VEH.

STATE OF DELAWARE
 UNIFORM TRAFFIC
 COLLISION REPORT

2 OSP

TROOP/DEPARTMENT

COMPLAINT NO.

5/48

DSP HQ. NO. (LEAVE BLANK)

3. MON. - DATE - YEAR	4. DAY	5. TIME OCCURRED	6. NOTIFIED	7. ARRIVED	8. GRID NO.	9. SECTOR	12. LIGHT CONDITION
11 104 104	TH	1738			/		
10. NUMBER & NAME OF STREET OR HIGHWAY - CTY. RTE. NO. • INTERSECTING WITH STREET OR ROAD - CTY. RTE. NO.							

11. NON. INTSECT.	12. SPEED TOO FAST	13. FAIL TO YIELD R/W	14. DISREGARD TRAFFIC SIGNAL	15. MADE IMPROPER TURN	16. DRIVING UNDER INFLUENCE	17. MECH. DEFECT	18. SURFACE CONDITION
2571 MILES	N E	W OF:	12. DROVE LEFT OF CENTER	13. IMPROPER PASSING	14. FOLLOWING TOO CLOSE	15. CITY OR TOWN	

16. PRIM. CONTRIB. CIRCUM.	8. SPEED TOO FAST	9. FAIL TO YIELD R/W	10. PASSED STOP SIGN	11. EMERG. RESPON.	12. DROVE LEFT OF CENTER	13. IMPROPER PASSING	14. FOLLOWING TOO CLOSE	15. CITY OR TOWN	16. DRIVING UNDER INFLUENCE	17. MECH. DEFECT	18. SURFACE CONDITION

17. COLLISION INVOLVED	18. ON RDWY.	19. EMERG. RESPON.	20. MILES	N E	IN: CITY OR TOWN	21. CTY.	22. CODE	23. MILE POINT
				S W	OF:			

24. NAME	LAST	FIRST	M.I.	24. NAME	LAST	FIRST	M.I.
NO. 1	Piotrowski	Richard		NO. 2	Ian	Mac	m

25. STREET ADDRESS	26. CITY	27. STATE	28. ZIP	29. PHONE	25. STREET ADDRESS	26. CITY	27. STATE	28. ZIP	29. PHONE
1006 12th Ave	Newark	DE	19702	456-0432	28 Cannon Run	Newark	DE	19702	456-0432

26. CITY	27. STATE	28. ZIP	29. PHONE	26. CITY	27. STATE	28. ZIP	29. PHONE
Adley Park	PA	19078	610 383-1405	Newark	DE	19702	456-0432

30. DRIVERS LICENSE NO.	31. STATE	32. DOB	33. AGE	34. SEX	30. DRIVERS LICENSE NO.	31. STATE	32. DOB	33. AGE	34. SEX
				M F					M F

35. SOBRIETY	36. TESTED	37. TYPE	RESULT 0. %	TEST NUMBER	35. SOBRIETY	36. TESTED	37. TYPE	RESULT 0. %	TEST NUMBER

38. VEHICLE YR.	39. VEHICLE MAKE	40. MODEL	41. BODY STYLE	38. VEHICLE YR.	39. VEHICLE MAKE	40. MODEL	41. BODY STYLE
2004	Ford	F150		1994	TOYOTA	Corolla	

42. REGISTRATION NO.	43. STATE	44. COLOR	45. DAMAGE	46. TRAILERS	42. REGISTRATION NO.	43. STATE	44. COLOR	45. DAMAGE	46. TRAILERS
C84470	DE	S 200	S 200	0 1 2 3	586811	DE	S 700	0 1 2 3	

47. VEHICLE/TRACTOR OWNER: LAST	M.I.	47. VEHICLE/TRACTOR OWNER: LAST	FIRST	M.I.

48. STREET	CITY	STATE	48. STREET	CITY	STATE

49. INSURANCE COMPANY	NUMBER	49. INSURANCE COMPANY	NUMBER
State Farm Ins.	1184PA107PA	Liberty Mutual	A02238009356101

50. CHARGE SECTION NO.	51. ARREST NO.	50. CHARGE SECTION NO.	51. ARREST NO.

52. NO. 1 TOWED BY:	1. REAR	2. PASSING	3. ANGLE	4. RIGHT TURN	5. RIGHT TURN	11. OTHER	52. NO. 2 TOWED BY:
TO:							

53. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		53. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

54. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		54. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

55. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		55. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

56. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		56. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

57. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		57. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

58. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		58. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

59. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		59. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

60. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		60. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

61. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		61. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

62. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		62. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

63. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		63. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

64. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		64. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

65. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		65. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

66. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		66. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

67. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		67. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

68. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		68. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

69. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		69. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

70. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		70. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

71. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		71. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

72. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		72. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

73. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		73. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

74. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		74. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

75. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		75. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

76. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		76. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

77. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		77. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

78. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		78. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

79. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		79. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

80. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		80. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

81. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		81. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

82. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		82. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

83. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		83. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

84. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		84. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

85. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		85. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

86. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		86. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

87. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		87. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

88. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		88. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

89. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		89. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

90. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		90. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

91. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		91. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

92. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		92. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

93. 1 2 3 4 5	6. HEAD ON	7. SIDESWIPE	8. INDICATE OBJECT	9. LEFT TURN	10. LEFT TURN		93. 1 2 3 4 5
1 13 14 15 7							1 13 14 15 7

94. 1 2 3

24. NAME NO. 3	24. NAME NO. 4	FIRST	M.I.										
25. STREET ADDRESS		25. STREET ADDRESS											
26. CITY	27. STATE	28. ZIP	29. PHONE	26. CITY	27. STATE	28. ZIP	29. PHONE						
30. DRIVERS LICENSE NO.		31. STATE	32. DOB	33. AGE	34. SEX	30. DRIVERS LICENSE NO.	31. STATE	32. DOB	33. AGE	34. SEX			
				M	F								
35. SOBRIETY	36. TESTED	37. TYPE	RESULT 0. %	TEST NUMBER		35. SOBRIETY	36. TESTED	37. TYPE	RESULT 0. %	TEST NUMBER			
38. VEHICLE YR.	39. VEHICLE MAKE	40. MODEL	41. BODY STYLE	38. VEHICLE YR.		39. VEHICLE MAKE	40. MODEL	41. BODY STYLE					
42. REGISTRATION NO.	43. STATE	44. COLOR	45. DAMAGE	46. TRAILERS	0 1 2 3	42. REGISTRATION NO.	43. STATE	44. COLOR	45. DAMAGE	46. TRAILERS	0 1 2 3		
42. VEHICLE/TRACTOR OWNER: LAST				M.I.		47. VEHICLE/TRACTOR OWNER: LAST				FIRST M.I.			
43. STREET CITY STATE						48. STREET CITY STATE							
49. INSURANCE COMPANY NUMBER						50. CHARGE/SECTION NO.							
51. ARREST NO.						52. NO. 4 TOWED BY:							
52. NO. 3 TOWED BY: TO:		USE THIS SPACE FOR SKETCHING DAMAGE TO TRAILERS, MOTORCYCLES, ETC. <i>8/1/05</i>											
53.													
13 14 15		12		11 10 9 8		13 14		12		11 10 9 8			

FEB 02 2005

PAGE ____ OF ____

STATE OF DELAWARE

 60. CONTINUATION 80. SUPPLEMENT

INITIAL REPORT DATE

OPERATOR #1

OPERATOR #2

UNIFORM TRAFFIC

COLLISION REPORT

CONTINUATION/SUPPLEMENT

2-DSP
TROOP/DEPARTMENT

1. COMPLAINT NUMBER
 2. DSP HQ. NO. (LEAVE BLANK)
 C2041225713
 5148

CODE 55.

OP 2 stated he was RT13 mph in the RT turn lane when a dark black SUV pulled out from the dealership lot and cut into his car. OP 2 stated he swerved left due to losing control of V2. OP 2 stated that he slid sideways into the rear of V1. OP 2 stated the SUV was a black SUV and went RT13 mph.

56. INVESTIGATING OFFICER

Rohr

RANK

Cpl /S

I.D. NUMBER

3725

57. SUPERVISOR'S APPROVAL DATE

JTB
621 110907

58. REVIEWER

59.

PAGE 2 OF 2

<input type="checkbox"/> 60. CONTINUATION
<input type="checkbox"/> 80. SUPPLEMENT
INITIAL REPORT DATE
OPERATOR #1
OPERATOR #2

STATE OF DELAWARE
UNIFORM TRAFFIC
COLLISION REPORT
INJURY INFORMATION

TROOP/DEPARTMENT

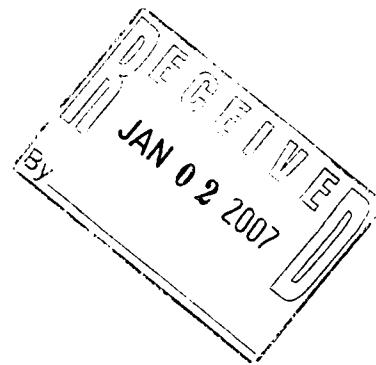
COMPLAINT NUMBER

I-1	61. NAME. LAST FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS. RESTR.	
62. ADDRESS			M F												68. T & R
63. PHONE	64. INJURIES														T & A
65. EXAMINED BY DR.	66. REMOVED BY	67. REMOVED TO													78-3. PASS RESTR
I-2	61. NAME LAST FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR	
62. ADDRESS			M F												68. T & R
63. PHONE	64. INJURIES														T & A
65. EXAMINED BY DR.	66. REMOVED BY	67. REMOVED TO													78-3. PASS RESTR
I-3	61. NAME LAST FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR	
62. ADDRESS			M F												68. T & R
63. PHONE	64. INJURIES														T & A
65. EXAMINED BY DR.	66. REMOVED BY	67. REMOVED TO													78-3. PASS RESTR
I-4	61. NAME LAST FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR	
62. ADDRESS			M F												68. T & R
63. PHONE	64. INJURIES														T & A
65. EXAMINED BY DR.	66. REMOVED BY	67. REMOVED TO													78-3. PASS RESTR
I-5	61. NAME LAST FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR	
62. ADDRESS			M F												68. T & R
63. PHONE	64. INJURIES														T & A
65. EXAMINED BY DR.	66. REMOVED BY	67. REMOVED TO													78-3. PASS RESTR
73	SEAT NO. 	GENERAL	76. INJURY CLASS	78. RESTRAINT (CONT.)	81. IF PEDESTRIAN INVOLVED PLACE CODE IN BLOCK										
74. STATUS	1. YES 2. NO 3. UNKNOWN 4. N/A 5. PENDING 6. NONE 7. OTHER	74. POSSIBLE INJURY 75. NON - INCAPACITATING 76. INCAPACITATING INJURY 77. FATAL INJURY	CHILD RESTRAINTS 88. CHILD RESTR. USED 89. OTHER RESTR. USED 90. NONE USED	PED # 1 <input type="text"/> PED # 2 <input type="text"/>											
75. FIRST AID	66. DRIVER 67. PASSENGER 68. PEDESTRIAN 69. PEDALCYCLIST	77. EJECTION 78. PARTIALLY EJECTED 79. TOTAL EJECTION 80. NO EJECTION	MC HELMET 91. NONE USED 92. USED												
76. RESTRAINT	LAP BELT ONLY 82. FASTENED 83. NOT FASTENED	LAP & SHOULDER 84. LAP ONLY USED 85. NEITHER USED 86. SHOULDER ONLY 87. BOTH USED	PASSIVE RESTRAINTS 93. AIR BAG DEPLOYED 94. AIR BAG INOPERABLE 95. AUTO RESTR. USED 96. AUTO RESTR. INOP.												
77. REMOVED	66. REMOVED	97. AMBULANCE 98. PARAMEDIC 99. HELICOPTER	101. CROSSING AT INTERS. 102. CROSSING NOT AT INTERS. 103. WALKING WITH TRAFFIC 104. WALKING AGAINST TRAFFIC 105. STANDING 106. PUSH OR WORK ON VEH. 107. OTHER WORKING 108. PLAYING 109. OTHER (DESCRIBE)												
78. REVIEWER	59. PAGE _____ OF _____	110. NOT IN ROW, ANY ACTIC													
56. INVESTIGATING OFFICER	RANK	I.D. NUMBER	57. SUPERVISOR'S APPROVAL DATE												

EXHIBIT D



December 27, 2006



Chrissinger & Baumberger
Attorneys at Law
Suite 301
Three Mill Road
Wilmington, Delaware 19806

Ref: Your Clients: Mao Ian and Sui Mai
DOL: 11/4/04
Piotrowski v Mao Ian and Sui Mai v Hanover Insurance Company
District Court of Delaware C.A. No. 06-631
~~Claim# 03-012946~~

Dear Mr. Baumberger:

This is written in confirmation of my phone conversation with Sharon in your office.

I advised her that although Hanover is listed on the Police Report for the above loss we do not provide coverage for Richard Piotrowski.

The initial adjuster investigation this loss was able to locate a policy and claim number with Allstate. Richard Piotrowski at the time of this accident was insured by Allstate, Policy No. 901367630 and their claim number is 6643094078.

Based on this information Hanover will not be accepting service on the above referenced matter. Please advise if you will be voluntarily filing a stipulation of dismissal with the Court.

I look forward to hearing from you.

Very truly yours

Carolyn Davidson
Sr. Litigation Adjuster